

**DRAFT**

MINUTES OF THE CITY COUNCIL  
OF THE  
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

5 DECEMBER 2000

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Sandra G. Carmany, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips, Donald R. Vaughan and Nancy Vaughan. Absent: Councilmembers Claudette Burroughs-White and Earl F. Jones, excused by action of Council; Councilmember Jones entered later in the meeting. Also present were Mona G. Edwards, Deputy City Manager; Terry A. Wood, Chief Deputy City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Deputy City Manager recognized Dean Richardson, employee in the Solid Waste Management Department, who served as courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting.

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Councilmember Johnson moved that Councilmember Burroughs-White be excused from attendance at this meeting. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Councilmember Carmany moved that Councilmember Jones be excused from attendance at this meeting. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

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After discussion with the Chief Deputy City Attorney regarding the rationale for reading titles of ordinances listed on the Consent Agenda, Councilmember D. Vaughan moved adoption of an ordinance amending Chapter 2 of the Greensboro Code of Ordinances with respect to Administration which would eliminate the required reading of these ordinance titles. The motion was seconded by Councilmember Phillips and adopted on the following roll call vote: Ayes: Carmany, Holliday, Perkins, Phillips, Vaughan and Vaughan. Noes: Johnson.

00-212 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ADMINISTRATION

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 2-24 (c) of the Greensboro Code of ordinances is hereby amended to read as follows:

(c) ~~All ordinances on the consent agenda, in order to be considered to be introduced, shall be read individually by title.~~ All other matters **on the consent agenda** shall be considered introduced by general reference to the consent agenda. However, all such matters on the consent agenda shall be approved, adopted, or accepted, as the case may be,

upon a single vote of the council. Each matter so approved will appear in the minutes of the council in its proper form showing approval.

Section 2. That all the laws and clauses of the laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon adoption.

(Signed) Donald R. Vaughan

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Moving to the Consent Agenda, Councilmember Johnson removed item #5 from the Consent Agenda. Councilmember Carmany removed item #11 from the Consent Agenda.

After Mayor Holliday requested a motion to approve the ordinances, resolutions and motion listed on the amended Consent Agenda, Councilmember Phillips moved its adoption. The motion was seconded by Councilmember Vaughan; the Consent Agenda, as amended, was adopted on the following roll call vote: Ayes: Carmany, Holliday, Johnson, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

#### 00-213 AMENDING CHAPTER 2

##### AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES UPDATING FINANCE DEPARTMENT PROCEDURES AND PRACTICES; INCREASING AUTHORITY TO SELL SURPLUS PROPERTY AND INCREASING AUTHORITY TO MAKE REFUNDS AND REBATES TO CORRECT ERRORS

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 2-101(b) of the Greensboro Code of Ordinances is hereby amended by rewriting to read as follows:

It shall be the duty of the director of finance to supervise each and every phase of city finance, including the accounting, tax collection and purchasing functions, the rental and disposal of real estate and personal property owned by the city, including the sale of cemetery lots, together with the collection of all fees or charges made by the city for services rendered by it.

Section 2. That Section 2-102 of the Greensboro Code of Ordinances be revised to read as follows:

(a) By adding to the end of the next to the last sentence in Section 2-102(a) the clause; "or in any form of investments allowed by the treasurer pursuant to North Carolina General Statutes § 159-30".

(b) By deleting the first two sentences of Section 2-102(b) and inserting in their place the following:

"When securities hereinabove mentioned are purchased and sold and it is not deemed practical to transport any or all such securities from the seller to the city and from the city to the seller, the mayor, manager and treasurer are authorized to name a bank or banks with which such securities may be held in a safekeeping account, either in the name of the city or held by the bank's trust department or agent in the city's name. The mayor, manager and treasurer are also authorized to select and designate as its official depositories one or more banks, savings and loan associations, or trust companies as allowed under North Carolina General Statutes § 159-31."

Section 3. That Section 2-103 of the Greensboro Code of Ordinances is hereby amended by rewriting to read as follows:

Sec. 2-103. Refunds, rebates by director of finance to correct errors.

“The director of finance, upon discovering a clerical error or improper charge in any payment made within the preceding three (3) years or to be made to the city for taxes, assessments for local improvements, utility charges, or any other kind of debt owed to the city, is authorized to refund such amount paid or to rebate such amount charged, and the director of finance shall have no liability for making any refund or rebate if he secures the approval of the city attorney therefor. The director of finance may require such proof of error or improper charge as may be satisfactory to him in justifying any refund or rebate. Refunds and rebates authorized by this section shall not exceed twenty thousand dollars (\$20,000.00) for any one (1) error or improper charge, and a report of all refunds and rebates shall be made to the city council each month.”

Section 4. That Section 2-104(a) of the Greensboro Code of Ordinances is hereby amended by rewriting to read as follows:

(a) Any personal property not exceeding ten thousand dollars (\$10,000.00) in value at the time of sale may be sold by the purchasing agent with the written approval of the city manager. Any personal property exceeding ten thousand dollars (\$10,000.00) in value at the time of sale may be sold by the purchasing agent with the written approval of the city manager provided that advertisement for bids has been duly published. In addition, the city manager is authorized to exchange with, lease to, lease from, sell to, purchase from, or enter into agreements regarding the joint use by any other governmental unit of any interest in personal property that the city or other governmental unit may own subject to such terms and conditions deemed to be in the best interest of the city.

Section 5. That Section 2-116 of the Greensboro Code of Ordinances be deleted in its entirety.

Section 6. That all laws and clauses of laws in conflict with the provisions of the Ordinance are hereby repealed to the extent of such conflict.

Section 7. That this Ordinance shall become effective immediately upon adoption.

(Signed) Thomas M. Phillips

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#### 00-214 AMENDING CHAPTER 10

#### AN ORDINANCE AMENDING CHAPTER 10 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO FIRE PREVENTION AND PROTECTION

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 10-21 of the Greensboro Code of Ordinances is hereby amended to read as follows:

(a) Except as hereinafter amended, the provisions of the current edition of the North Carolina State Building Code, Volume V - Fire Prevention Code is hereby adopted and made applicable as the Fire Prevention and Control Ordinance of the city. A copy of same shall be on file in the office of the city clerk.

(b) Amendments to Volume V - Fire Prevention Code, which are adopted and published by the North Carolina State Building Code Council shall be effective on the date prescribed by the North Carolina State Building Code Council.

(c) Volume IA - Administration and Enforcement is hereby referenced for the administration of Volume V - Fire Prevention Code and Volume IX - Existing Buildings for periodic inspection of buildings altered, repaired or rehabilitated in accordance with Volume IX - Existing Building Code.

Section 2. That Section 10-22 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Before a permit to do blasting in the corporate limits as required under Chapter 19 of the Fire Prevention Code shall be issued, the applicant for such permit shall file with the fire prevention bureau evidence of public liability and property damage insurance in the amount of one million dollars (\$1,000,000) for the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judgment results. Each applicant shall provide proper matting as determined by the fire prevention bureau and request inspection prior to commencing actual blasting operations. The city shall not be responsible for any damage to property or injuries to persons by reason of the issuance of a permit or inspections made incidental thereto.

Section 3. That Chapter 10 of the Greensboro Code of Ordinances is hereby amended by adding a new section 10-23 to read as follows:

The burning of leaves, brush, trash or any other refuse is prohibited within the corporate limits. **EXCEPTION:** The burning of brush by commercial contractors clearing large open areas properly permitted by the fire prevention bureau and in accordance with local Air Quality Burning Regulations.

Section 4. That Chapter 10 of the Greensboro Code of Ordinances is hereby amended by adding a new section 10-24 to read as follows:

The fire official has the authority to determine that the gathering of persons inside and/or outside of a structure presents unusual and significant impact on public safety or fire safety, including access to buildings, structures, fire hydrants, fire lanes, or the provision of public safety services. The fire official shall have the authority to order the development of or prescribe a plan for the provision of safety services which provides a reasonable degree of safety for the attendees and other affected members of the public. Once such a plan is approved by the fire official, it shall be complied with and is enforceable under the provisions of this code and the North Carolina State Building Code.

Section 5. That Chapter 10 of the Greensboro Code of Ordinances is hereby amended by adding a new section 10-25 to read as follows:

It is the owner's responsibility to provide fire hydrant coverage to meet the following criteria on all new construction and additions to existing buildings.

A. A fire hydrant shall be located within 500 feet of all parts of the building along access roadways with all-weather driving surfaces, distance measured as the fire truck travels.

B. A fire hydrant shall be located within 150 feet of the fire department connection, along access roadways with all-weather driving surfaces, distance measured as the fire truck travels.

C. The fire hydrant shall face the fire department access roadway and shall be within 6 feet of the curb line.

D. Fire hydrants shall be located no closer than 40 feet to any building that is being protected by that hydrant.

Section 6. That Chapter 10 of the Greensboro Code of Ordinances is hereby amended by adding a new section 10-26 to read as follows:

The installation of aboveground tanks storing Class I and Class II liquids at commercial service stations open to the public shall be prohibited within the corporate limits. **EXCEPTION:** The storage of K-1 kerosene that complies with Section 907.3.6 of Volume V - North Carolina Fire Prevention Code.

Section 7. That Chapter 10 of the Greensboro Code of Ordinances is hereby amended by adding a new section 10-27 to read as follows:

The following standards are hereby established as prerequisites for obtaining a permit from the fire prevention bureau for unattended self-service gasoline installations and operations.

(a) Before anyone shall engage in unattended self-service gasoline operations, a permit application must first be secured from the Greensboro Fire Prevention Bureau. If at any time the fire prevention bureau finds the said occupant operating contrary to these rules, then the permit shall immediately be revoked.

(b) Plot and building plans (as applicable) shall be submitted to the fire prevention bureau and building inspections. Such plans shall be approved before construction begins. Required permits for construction and tank installations shall be obtained.

(c) Unattended self-service installations shall comply with all applicable codes, ordinances and standards including the North Carolina State Building Code, North Carolina State Fire Code, NFPA 30 and NFPA 30A.

(d) All unattended self-service gasoline installations shall be located in the proper zoning district. The facility shall be used only for the sale and dispensing of motor vehicle fuels. The sale of liquefied petroleum gases or kerosene is prohibited. Limited vehicle services will be permitted such as air, vacuums and vending for motor oils.

(e) A representative of the fire prevention bureau and the building inspection division shall inspect each facility for compliance with all ordinances and regulations prior to opening for business.

(f) Each installation shall be properly lighted during all periods of darkness.

(g) All wiring and electrical equipment shall comply with the requirements of the National Electrical Code.

(h) Printed safety regulations and operating instructions shall be permanently and conspicuously displayed at all installations. The printed regulations shall include the following:

#### IN CASE OF FIRE OR SPILL

- 1) Use emergency stop switch, located at \_\_\_\_\_.
- 2) Call 911 to report the accident: the phone is located at \_\_\_\_\_.

#### WARNING

- 1) No smoking.
- 2) Turn off the vehicle motor before refueling vehicle.
- 3) Stay at the nozzle while refueling vehicle.
- 4) No person under sixteen (16) years of age shall be permitted to use any dispensing device.
- 5) It is unlawful to dispense gasoline into unapproved containers (including drums).
- 6) Approved containers shall be firmly set on the ground and shall not be filled on truck beds.
- 7) The use of cellular phones around any fueling station is not permitted.

#### ANYONE FOUND TO BE IN VIOLATION OF THESE REGULATIONS WILL BE PROSECUTED.

(i) All dispensing devices must be "listed" by an approved testing laboratory. Coin and currency-type devices are prohibited. A "listed" automatic closing type hose nozzle valve with a latch open device shall be provided. A device that causes or requires the closing of the hose nozzle valve before the product flow can be resumed or before the nozzle valve can be replaced in its normal position in the dispenser is required.

(j) A clearly identifiable and easily accessible switch shall be provided at a location remote from dispensing devices, to shut off the power to all dispensing devices in the event of an emergency. The emergency switch shall be more than fifteen (15) feet but less than seventy five (75) feet from the dispenser.

Additional emergency controls shall be installed on each group of dispensers or the outdoor equipment used to control the dispensers. Switches shall be manually reset on site by a company representative.

(k) Fire extinguishers with at least 2A:20BC rating shall be located so that an extinguisher will be within seventy five (75) feet of each pump, dispenser and underground fill pipe opening. All extinguishers must be visible and easily accessible.

(l) All product storage tanks shall be installed underground.

(m) Dispensers must be at least ten (10) feet from any Type V or Type VI constructed buildings located on the premises. Dispensers shall be a minimum of ten (10) feet from any adjacent property line or other lessee's leased property line up to which a building is or can be constructed upon, and shall be fifteen (15) feet from any street right-of-way. Sturdy steel posts not less than four (4) inches in diameter, shall be installed adjacent to the dispenser in a manner as to prohibit vehicles from bumping against or damaging such dispensers.

(n) There shall be a telephone located on the premises with the number to be called in case of emergency, prominently posted. Such telephone shall be used to report spills, malfunctions and other hazardous conditions. The telephone at the central location of the owner shall be answered on a twenty-four hour basis and the operator shall report all hazardous conditions directly to the city communications center. The owner or a responsible representative is required to respond to the facility immediately (not to exceed one hour) for any reported emergency, spill or code violation.

(o) The owners of all such facilities shall be responsible for the enforcement of all safety regulations. All reasonable necessary steps shall be taken to maintain the premises in a clean, orderly, safe and sanitary condition at all times. Inspections shall be made every day by employees of the owner in order to insure safety of equipment, and individuals who may use the premises.

(p) Provisions shall be made to prevent spilled liquids from flowing into the interior of buildings or endangering other properties.

(q) Those companies using gasoline pumps located upon their own property to serve only their own vehicles may leave said pumps unattended provided they have complied with all other provisions of the Fire Prevention Code; such companies are exempt from the other standards set forth above.

Section 8. That all clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 9. That this Ordinance shall become effective immediately upon adoption.

(Signed) Thomas M. Phillips

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00-215 AMENDING CHAPTER 11

AN ORDINANCE AMENDING CHAPTER 11 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO THE HOUSING CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 11-1 of the Greensboro Code of Ordinances is hereby amended by rewriting said section to read as follows:

This chapter shall be known as the "Minimum Housing Code," may be cited as such, and will be referred to herein as "this chapter."

Section 2. That Section 11-50 of the Greensboro Code of Ordinances is hereby amended by placing a sub-section (c) immediately in front of the sentence that begins with “The commission may grant additional time for the purpose of bringing the property into full compliance as follows:”.

Section 3. That Section 11-50 of the Greensboro Code of Ordinances is hereby amended by changing the prior existing sub-section (c) to read as sub-section (d).

Section 4. That Section 11-42 of the Greensboro Code of Ordinances is hereby amended by rewriting sub-section (a) as follows:

(a) Each violation of any provision of this chapter shall constitute a class 3 misdemeanor, punishable by a fine of not more than three hundred dollars (\$300.00) or imprisonment of not more than twenty (20) days, as provided by North Carolina General Statutes, Section 14-4, as amended by Chapter 71 Session Laws of 1983 and Chapter 772 Session Laws of 1987.

Section 5. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 6. That this Ordinance shall become effective immediately upon adoption.

(Signed) Thomas M. Phillips

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#### 00-216 AMENDING CHAPTER 12

#### AN ORDINANCE AMENDING CHAPTER 12 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO HUMAN RELATIONS

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Sec. 12-23(5) of the Greensboro Code of Ordinances is hereby amended by rewriting the same to read as follows:

“(5) To serve as a citizens advisory committee for the purpose of coordinating, studying and making reports concerning citizen involvement in various projects.”

Section 2. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

(Signed) Thomas M. Phillips

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#### 00-217 AMENDING CHAPTER 13

#### AN ORDINANCE AMENDING CHAPTER 13 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

#### Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 13-50 of the Greensboro Code of Ordinances is hereby amended by rewriting to read as follows:

Each license tax prescribed by this article shall be increased five (5) percent for each month or fraction thereof during which such license tax remains unpaid after it becomes due and payable. The minimum penalty charge shall be five dollars (\$5.00) and the maximum shall not exceed twenty-five (25) percent. Upon discovering any business which has been operating within the city without a privilege license as required by this article, the city tax collector is hereby authorized to assess and collect the delinquent privilege license taxes plus penalties due for each taxable year that the same has remained unpaid, not exceeding three (3) years including the current year for which said license tax may be required.

Section 2. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. That this Ordinance shall become effective immediately upon adoption.

(Signed) Thomas M. Phillips

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#### 00-218 ORDINANCE AMENDING CHAPTER 17

#### AN ORDINANCE AMENDING CHAPTER 17 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO NUISANCES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1: That the following subsections of Section 17-1 of the Greensboro Code of Ordinances are hereby amended to read as follows:

Sec. 17-1. Nuisances prohibited; enumeration.

(a) The following enumerated and described conditions are found, deemed and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the city and are found, deemed and declared to be public nuisances wherever the same may exist and the creation, maintenance, or failure to abate any nuisances is hereby declared unlawful. **The natural conditions on lands dedicated to and/or accepted by the city as natural stream corridors, floodplain and/or open space which are established in order to preserve natural greenways, vegetative stream buffers, and/or natural connecting networks along floodways, streams and creeks are deemed and declared as exceptions for the purpose of enforcement of this article.**

- (1) Any condition which constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects, or other pests.
- (2) A place of dense growth of weeds or other noxious vegetation over twelve (12) inches in height.
- (3) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature.
- (4) An open place of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind.
- (5) Hides, dried or green, provided the same may be kept when thoroughly cured and odorless.



(6) Any furniture, appliances, or metal products of any kind or nature openly kept which have jagged edges of metal or glass, or areas of confinement.

(7) Any condition which blocks, hinders, or obstructs in any way the natural flow of water in swales, streams, creeks, surface waters, ditches, or drains, to the extent that standing water is created on the premises.

b) For the purpose of enforcement of this article, an open place is defined as an area of property or portion thereof that is open, including building openings of residential dwelling units that are open to the exterior, such as attached carports, or porches, and any other exterior portions of properties ordinarily exposed to public view.

Section 2: That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3: That this Ordinance shall become effective immediately upon adoption.

(Signed) Thomas M. Phillips

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#### 00-219 AMENDING CHAPTER 17

#### AN ORDINANCE AMENDING CHAPTER 17 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO NUISANCES

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 17-2 of the Greensboro Code of Ordinances is hereby amended by rewriting to read as follows:

If any person shall violate the provisions of section 17-1, it shall be the duty of the director of engineering and inspections or his designated representative to give notice to the owner or to any person in possession of the subject property, as provided by section 17-3, directing that all unlawful conditions existing thereupon be abated within ten (10) days from the date of such notice; provided, that if, in the opinion of the director of engineering and inspections or his designee, the unlawful condition is such that it is of imminent danger or peril to the public, then any authorized building inspections representative may, without notice, proceed to abate the same, and the cost thereof shall be charged against the property as is provided in section 17-5.

Section 2. That Section 17-3 of the Greensboro Code of Ordinances is hereby amended by rewriting subsection (b) to read as follows:

(b) Any such notice may be served by any authorized representative of the engineering and inspections department or by any police officer of the city when so authorized through the engineering and inspections department.

Section 3. That Section 17-5 of the Greensboro Code of Ordinances is hereby amended to read as follows:

(a) Upon the failure of the owner or person in possession of any premises to abate any unlawful condition existing thereupon within the time prescribed by section 17-2, it shall be the duty of an authorized building inspection representative to cause the removal and abatement of such unlawful

condition therefrom.

- (b) Upon the completion of such removal and abatement, the director of engineering and inspections or his designated representative shall deliver to the city tax collector a statement showing the actual cost of the abatement of the unlawful condition plus an additional fee of ten (10) percent of the total clean up costs with a minimum of one hundred dollars (\$100.00) to cover the cost of notice and cost of collection. The city tax collector shall thereupon mail to the owner of the subject property a bill covering the cost, if with reasonable diligence the name and address of such owner can be ascertained, and the amount of the bill shall become a lien upon the subject property, and if not paid within thirty (30) days shall be collected as in the manner provided for the collection of delinquent taxes.

Section 4. That Section 17-6 of the Greensboro Code of Ordinances is hereby amended by rewriting to read as follows:

The director of engineering and inspections or engineering and inspections department may enter upon the premises involved for the purpose of abating the nuisance found to exist under this article. Within the ten-day period mentioned in section 17-2 hereof, the owner of the property where the nuisance exists may appeal the findings of the director of engineering and inspections or engineering and inspections department to the city council by giving written notice of appeal to the director of engineering and inspections or engineering and inspections department. An appeal stays the abatement of the nuisances by the director of plumbic works or public works department until a final determination by the council. In the event no appeal is taken, the director of engineering and inspections or engineering and inspections department may proceed to abate the nuisance.

Section 5. That Section 17-7 of the Greensboro Code of Ordinances is hereby amended by rewriting to read as follows:

It is the intention of this article that any authorized representative of the director of engineering and inspections shall be primarily responsible for the enforcement of the provisions of this article; but the county health officer shall, in any case where he deems it advisable to act, have all the authority conferred by this article upon the director of engineering and inspections or his designated representative, and any notice served for the purpose of this article, by, or by authority of the county health officer and any charge made by the county health officer in accordance with the provisions of section 17-5, subsection (b), shall be as valid as if made by the director of engineering and inspections.

Section 6. That Section 17-29 of the Greensboro Code of Ordinances is hereby amended by rewriting the title to read "Abatement by city – Generally."

Section 7. That Section 17-51 of the Greensboro Code of Ordinances is hereby amended by adding sections (a), (b) and (c) to definitions, and a new definition to read as follows:

(d) *Trailers.* For purposes of implementation of this section, trailers are motor vehicles and vehicles as defined by NCGS § 20-4.01 (23) and (49) respectively.

Section 8. That Section 17-58 of the Greensboro Code of Ordinances is hereby amended by rewriting section (3) of subsection (c) to read as follows:

- (3) Posted at the courthouse in the county where the sale is to be held.

Section 9. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 10. That this Ordinance shall become effective immediately upon adoption.

(Signed) Thomas M. Phillips

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#### 00-220 ORDINANCE AMENDING CHAPTER 18

#### AN ORDINANCE AMENDING CHAPTER 18 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO OFFENSES AND MISCELLANEOUS PROVISIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1: That the following subsection will be added to Section 18-5 of the Greensboro Code of Ordinances:

(f) Notice to abate; abatement by city. If any person shall violate the provisions of section 18-5, it shall be the duty of the Director of Water Resources or designated representative to give notice to the owner or to any person in possession of the subject property, as directed by section 18-6 (c), directing that all unlawful conditions existing thereupon be abated within ten (10) days from the date of such notice; provided, that if, in the opinion of the director of the Director of Water Resources or designee, the unlawful condition is such that it is of imminent danger or peril to the public, then any authorized City representative may, without notice, proceed to abate the same, and the cost thereof shall be charged against the property as is provided in section 18-6 (e).

Section 2: That Section 18-6 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 18-6. Banks of bodies of water to be kept free of accumulations of debris that block, hinder, or obstruct in any way the natural flow of water.

(a) Every owner and/or person in possession of any premises across or through which any stream or open ditch runs, or on which any body of water is impounded, shall keep the banks and edges of the stream, ditch or body of water free and clear of accumulations of debris which might block, hinder, or obstruct the waterway, including the floodplain.

(b) Notice to abate; abatement by city. If any person shall violate the provisions of section 18-6 (a), it shall be the duty of the Director of Water Resources or designated representative to give notice to the owner or to any person in possession of the subject property, as directed by section 18-6 (c), directing that all unlawful conditions existing thereupon be abated within ten (10) days from the date of such notice; provided, that if, in the opinion of the director of the Director of Water Resources or designee, the unlawful condition is such that it is of imminent danger or peril to the public, then any authorized City representative may, without notice, proceed to abate the same, and the cost thereof shall be charged against the property as is provided in section 18-6 (e).

(c) Service of notice. The owner of subject property shall be notified of violation of section 18-5 and/or 18-6 (a) by personal delivery of said notice or by registered or certified mail, return receipt requested. If such notice is refused or is returned unclaimed, then said property shall be posted with notice. If the name of the owner cannot be ascertained, then the notice shall be served on any person in possession of the subject property, or, if there is no person in possession of it, by posting the notice on the subject property. If any such property is owned by a corporation, the notice shall be served upon the registered agent or, in the absence thereof, notice shall be served upon the corporation.

Any such notice may be served by any authorized representative of the Water Resources Department or by any police officer of the city when so authorized through the Water Resources Department.

(d) Defect in notice not to affect lien.

Any defect in the method of giving, the notice required by section 18-5 and/or 18-6, or in the form thereof, or the giving of such notice to an improper person, shall not prevent the city, in any case where the work of abating an unlawful condition upon any property is caused by the city, from collecting the cost thereof from the owner, nor shall it affect the validity of the lien on the property for such cost.

(e) Abatement by city where owner fails to abate. Upon the failure of the owner or person in possession of any premises to abate any unlawful condition existing thereupon within the time prescribed by section 18-5 and/or 18-6, it shall be the duty of an authorized Water Resources representative to cause the removal and abatement of such unlawful condition therefrom. Upon the completion of such removal and abatement, the Director of Water Resources or his designated representative shall deliver to the city tax collector a statement showing the actual cost of the abatement of the unlawful condition plus an additional fee of ten (10) percent of the total clean up costs with a minimum of one hundred dollars (\$100.00) to cover the cost of notice and cost of collection. The city tax collector shall thereupon mail to the owner of the subject property a bill covering the cost, if with reasonable diligence the name and address of such owner can be ascertained, and the amount of the bill shall become a lien upon the subject property, and if not paid within thirty (30) days shall be collected as in the manner provided for the collection of delinquent taxes.

Section 3: That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4: That this Ordinance shall become effective immediately upon adoption.

(Signed) Thomas M. Phillips

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00-221 AMENDING CHAPTER 21

AN ORDINANCE AMENDING CHAPTER 21 OF THE GREENSBORO CODE OF ORDINANCES WITH  
RESPECT TO PERSONNEL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Sec. 21-7(a) of the Greensboro Code of Ordinances is hereby amended by rewriting the same to read as follows:

“(a) The city treasurer, the city clerk and deputy treasurer, the city collections manager, the city accounting manager and the assistant city accounting manager shall be required to execute in favor of the city proper bonds with good and sufficient sureties in the amount of one hundred thousand dollars (\$100,000.00) each, conditioned upon the faithful performance of the duties and a true accounting of all funds of the city which may come into their hands, custody or control. A new bond shall be furnished annually and a certificate of renewal of the existing bond shall not be considered a new bond. The responsibility for securing the execution of said bonds shall devolve upon the city manager and the city manager shall be custodian of the bonds.”

Section 2. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

(Signed) Thomas M. Phillips

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00-222 ORDINANCE AMENDING CHAPTER 25

AN ORDINANCE AMENDING CHAPTER 25 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO SOLID WASTE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1: That the following subsections of Section 25-9 of the Greensboro Code of Ordinances are hereby amended to read as follows:

(b) No Building materials or refuse from building operations, construction materials or remodeling projects generated/performed by a professional contractor will be collected by City forces. The contractor is responsible for disposal.

(Solid waste forces will collect building materials from small remodeling projects done by the homeowner; up to (2) 32-gallon container capacity per project)

City forces will not collect yard waste and yard debris from large landscape projects performed by landscaping companies unless the yard waste meets solid waste code (sec. 25-13 (f) 1-2).

Large quantities of roofing material may be placed in the curb line for collection by the Greensboro Department of Transportation. Residents should contact the Greensboro Department of Transportation for collection.

(f) Oxygen tanks and other medical equipment; propane tanks, all oil tanks used for household purposes; parts of campers, boats, camper shells, trailers; automotive parts, including but not limited to motors, doors, fenders, car seats or batteries from a residentially used premises, etc. shall not be collected by the City forces.

(g) City forces reserve the right not to service any authorized container that is contaminated And/or does not meet code requirements.

Section 2: That the following subsections of Section 25-13 of the Greensboro Code of Ordinance are hereby amended to read as follows:

(c) Approved solid waste containers. All households and single business units shall use only city-approved containers for all solid waste removal by the City. The following provisions shall be complied with:

(1) Automated collection system. Where the automated system is in use for the collection of wet and dry garbage and recyclables, the city approved automated containers shall have the capacity of approximately (90) gallons. The city shall provide one (1) ninety-gallon container for wet and dry garbage and one (1) ninety-gallon approved container for recyclables. Should this not be sufficient storage between collections, the resident or business may purchase from the city one (1) additional automated container of either type for a fee. Businesses generating in excess of two-each 90-gallon automated containers (in excess of 180 gallons per week) of wet or dry garbage or of recyclables must convert to at least a 6-yard stationary container (dumpster).

(d) (4) It shall be unlawful to willfully break or cause damage to any city owned automated container. Any person or entity violating this section shall be required to purchase a replacement container from the City and may also be subject to the civil penalties as outlined in this chapter.

2(f) Yard waste collection service.

(1) Yard waste collection shall be provided to residential units and small businesses served by the automated curbside collection system as approved by the solid waste manager or designee. Yard waste collection shall be provided once a week.

Multi-family residential units having refuse stationary containers (dumpsters) which are serviced by the City may also receive yard waste service if the yard waste is properly prepared as referenced below and brought to the city curb line.

Yard waste collection will not be provided to commercial establishments or industries.

- (2) Yard waste shall be separated from all other refuse prior to collection. Collection forces shall collect yard waste as stated in (f-1) above so long as it is properly prepared or containerized and in compliance with these regulations.

2(f)2(d) City forces will not collect yard waste and yard debris from large landscape projects performed by landscaping companies unless the yard waste is properly prepared as stated in paragraph 25-13 (f-1 through f-2).

2(g) Large appliance (white goods) collection. Collection of large appliances (white goods) shall be provided as follows:

- (1) White goods collection will be provided to residential units and small business served by the automated curbside collection system as approved by the solid waste manager or designee.
- (2) White goods collection will not be provided to commercial establishments or industries.
- (3) White goods collection will not be provided to attached multi-family residential units where a landlord/property owner provides the appliances.
  - a) Appliance collection will be provided to individual tenants for appliances they personally own (those not supplied by the landlord) if the multi-family residential complex has refuse stationary containers (dumpsters) which are serviced by the City.
  - b) Appliances individually owned by a tenant will only be collected if the appliance is brought to the closest city curb line. Appliances can not be placed near or in any stationary container (dumpster). All other collection procedures as outlined in this section must be adhered to.
- (4) Appliance collection shall be provided once per week.
- (5) Residents must call the Solid Waste Management Division in order to schedule an appointment for appliance collection.

2(h) Bulk trash

- (1) Bulk trash collection shall be provided to residential units and small businesses served by the automated curb side collection system as approved by the solid waste manager or designee.

Bulk trash collection shall be provided once per week.

Multi-family residential units having refuse stationary containers (dumpsters) which are serviced by the City may also receive bulk trash service if the bulk trash is properly prepared as referenced below and placed at the closest city curb line.

Bulk trash service will not be provided to large commercial establishments or industries.

1(e) Gasoline and/or oil must be removed from all lawn equipment prior to collection.

1(f) Oxygen tanks and other medical equipment; propane tanks; all oil tanks used for household purposes parts of campers, boats, camper shells, trailers; automotive parts, including but not limited to motors, doors, fenders, car seats or batteries from a residentially used premise, etc. shall not be collected by the city forces.

1(i) No building materials or refuse from building operations, construction materials or remodeling projects generated by or performed by a professional contractor will be collected by city forces. The contractor is responsible for disposal.

(Solid waste forces will collect building materials from small remodeling projects done by the homeowner; up to (2) 32-gallon container capacity per project)

1(j) Off-street special collection of bulk trash is available for an extra fee. Notification must be made to the solid waste management division in order to schedule an appointment for service.

Section 3: That the following subsection of Section 25-14 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 25-14 Stationary container collection services (Dumpster service)

(e) Conditions for commercial collection for multifamily residential units.

- (1) The owner or owners of a multifamily residential unit or a group of multifamily residential units in the same complex, wherein there are eight (8) or more living units either in a single building or in the complex treated as a unit, shall install and maintain city approved stationary containers according to the following specifications:
  - a. There shall be a minimum of one 6-cubic yard stationary refuse container for each multifamily residential unit or aggregate which contains eight (8) – (16) sixteen living units.
  - b. There shall be a minimum of one 8-cubic yard stationary refuse container for each Multifamily residential unit or aggregate which contains (17) – (24) twenty four Living units.
  - c. Additional stationary refuse containers shall be installed and maintained as a minimum in the same ratio as herein set forth in subparagraphs (a) and (b) where a multifamily residential unit or a group or complex of multifamily residential units contains (25) twenty five or more.

Section 4: That Section 25-19 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 25-19. Types of disposal.

It shall be unlawful to dispose of waste in the landfill in any area other than the specific area designated for the disposal of that type of waste. It shall be unlawful to dispose of household garbage, organic waste, furniture, plastic, paper, cloth, treated lumber, brush and large stumps, in the construction and demolition area. The construction and demolition area shall be used only for the disposal of inert debris, brick, dirt, concrete, and waste generated from the remodeling, construction, or demolition of buildings and structures. Anyone violating this section shall be responsible for the removal of said waste and subject to a civil penalty as outlined in this chapter.

Section 5: That the following subsection of Section 25-21 of the Greensboro Code of Ordinances is hereby amended to read as follows:

(f) Sanitary landfill disposal fees.

- |  |         |
|--|---------|
| (1) Refuse, per ton . . . . .                          | \$36.00 |
| (2) Refuse delivered in cars . . .                     | 5.00    |
| (3) Refuse delivered in pickups.                       | 10.00   |
| (4) Refuse delivered in trailers<br>under 8 feet . . . | 10.00   |
| (5) Shredded Tires:<br>Grind 10 inches or under,       |         |

Per ton . . .	<u>\$36.00</u>
Grind over 10 inches, per ton	<u>\$72.00</u>
(6) Refuse requiring special handling per ton . . .	\$150.00
(Refuse that requires the presence of landfill personnel at disposal for security measures and waste that is bailed or bulky that requires special handling at the fill.)	
(7) Stumps (greater, than 40 inches) and construction and demolition material , per ton . . .	<u>\$36.00</u>
(8) Yard waste destined for the compost facility . . .	<u>\$36.00</u>
(9) Veterinary disposal fee per carcass on veterinarian's scheduled day . . .	<u>\$5.00</u>
(10) Veterinary disposal fee per carcass on veterinarian's unscheduled day . . .	<u>\$5.00</u>

Section 6: That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 7: That this Ordinance shall become effective immediately upon adoption.

(Signed) Thomas M. Phillips

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#### 00-223 AMENDING CHAPTER 26

#### AN ORDINANCE AMENDING CHAPTER 26 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO STREETS AND SIDEWALKS

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 26-106 of the Greensboro Code is hereby amended by rewriting to read as follows:

This article shall apply to the cutting of streets and sidewalks for any purpose other than the laying of water or sewer connections, the cutting of streets for such connections being governed by the provisions of chapter 29-.

Section 2. That Section 26-123 of the Greensboro Code is hereby deleted.

Section 3. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. That this Ordinance shall become effective immediately upon adoption.



(Signed) Thomas M. Phillips

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00-224 AMENDING CHAPTER 26

AN ORDINANCE AMENDING CHAPTER 26 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO STREETS AND SIDEWALKS

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 26-121 of the Greensboro Code is hereby amended by adding subsection (a) to the existing introductory paragraph, and by adding a new subsection (b) to read as follows:

As a condition to the issuance of a permit for any land disturbing activity which is in, or would impact upon, a City owned or maintained right of way, the applicant shall be responsible for restoration of the disturbed areas to current written City policies and procedures. The permit holder shall indemnify and hold the City harmless from any damage or loss incurred by the City or others as a result of injury to person or property whether caused by him, his employees, agents or contractors including but not limited to breakage of lines, conduits, or utilities of any sort, sink holes, and cracked pavement. Such permit holder shall repair any such damage caused or reimburse the City for total costs of repair in the event the City causes the repair either involuntarily or at its election.

In the event the actions of the permit holder result in a hazardous materials emergency in accordance with Sec. 10-31 of the Greensboro Code of Ordinances, the permit holder shall also be responsible for all costs associated with such hazardous materials response whether located within or outside the City's right of way.

Section 2. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. That this Ordinance shall become effective immediately upon adoption.

(Signed) Thomas M. Phillips

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00-225 ORDINANCE AMENDING CHAPTER 27

AN ORDINANCE AMENDING CHAPTER 27 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO STORM WATER MANAGEMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1: That the following subsections of Section 27-7 of the Greensboro Code of Ordinances are hereby amended to read as follows:

Section 27-7. Definitions

(cc). Riparian Buffer or Stream Buffer: An area of native or non-native woody vegetation adjacent to a stream or other natural conveyance of water or storm water.

Section 2: That the following subsections of Section 27-31 of the Greensboro Code of Ordinance are hereby amended to read as follows:

Section 27-31. Prohibited Discharges  
(d). Organic Waste

(6). Every owner and/or person in possession of any premises across through which any stream or open ditch runs, or on which any body of water is impounded, shall keep the banks and edges of the stream, ditch or body of water free and clear of accumulations of debris which might block, hinder, or obstruct the natural flow of water in swales, streams, creeks, surface waters, ditches, or drains, to the extent that standing water is created on the premises.

Section 3: That the following subsections of Section 27-53 of the Greensboro Code of Ordinance are hereby amended to read as follows:

Section 27-53. Public Nuisances.

(a). Nuisances

The following enumerated and described conditions are found, deemed and declare to constitute a detriment, danger and hazard to the health, safety, morals, and general welfare of the inhabitants of the City and are found, deemed and declared to be public nuisances wherever the same may exist and the creation, maintenance, or failure to abate any nuisances is hereby declared unlawful. The natural conditions on lands dedicated to and/or accepted by the city as natural stream corridors, floodplain and/or open space which are established in order to preserve natural greenways, vegetative stream buffers, and/or natural connecting networks along floodways, streams, and creeks are deemed and declared as exceptions for the purpose of enforcement of this article.

- (1) Any condition which constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects, or other pests.
- (2) A place of dense growth of weeds or other noxious vegetation over twelve (12) inches in height.
- (3) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature.
- (4) An open place of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind.
- (5) Hides, dried or green, provided the same may be kept when thoroughly cured an odorless.
- (6) Any furniture, appliances, or metal products of any kind or nature openly kept which have jagged edges of metal or glass, or areas of confinement.
- (7) Any condition which blocks, hinders, or obstructs in any way the natural flow of water in swales, streams, creeks, surface waters, ditches, or drains, to the extent that standing water is created on the premises. (Ref. Section 17-1(1)(3)(4)(6)(7)).

Section 4: That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5: That this Ordinance shall become effective immediately upon adoption.

(Signed) Thomas M. Phillips

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00-226 ORDINANCE AMENDING CHAPTER 29

AN ORDINANCE AMENDING CHAPTER 29 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO WATER, SEWERS AND WASTE DISPOSAL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1: That Section 29.5 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 29-5. Tampering with valves and hydrants.

It shall be unlawful for any person to open, close, operate or otherwise tamper with any valves or hydrants which are a part of the water system of the city without first notifying and receiving the prior approval of the Director of Water Resources of the city, or his designated agent; provided, that upon conviction of any contractor or employee of any contractor acting on behalf of such contractor for violation of the provisions of this section, the privilege license of such contractor may be revoked or suspended by the city council of the city in its discretion for a period of not more than six (6) months.

Section 2: That the following subsection of Section 29-26 of the Greensboro Code of Ordinance is hereby amended to read as follows:

(2) *Sewer connections.* The fixed charges for a sewer connection installed by city forces or under contract with the city shall include the tapping of the main, a cleanout and necessary pipe to extend to the property line or easement limit.

Charges for these items shall be as follows:

4-inch .....	\$720.00
6-inch .....	per cost
8-inch .....	per cost
8-inch x 4-inch saddle only .....	per cost
8-inch x 6-inch saddle only .....	per cost

Deduct \$100.00 if water and sewer in same ditch.

Section 3: That Section 29-29 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 29-29. Reserved.

Section 4: That Section 29-48 of the Greensboro Code of Ordinances is hereby amended to delete subsections (e) and (f).

Section 5: That Section 29-49 of the Greensboro Code of Ordinances is hereby amended to add the following subsections:

(d) Monthly rates charged to consumers provided sewer service by the Town of Jamestown should be as commensurate with sewer service charges adopted by the Town of Jamestown.

(e) Monthly rates charged to consumers provided sewer service by the City of High Point shall be as commensurate with sewer service charges adopted by the City of High Point

Section 6: That subsection (5) of Section 29-54 of the Greensboro Code of Ordinances is hereby amended to read as follows:

(5) Swimming pool	40,000 gallons or less	
	Inside city (plus labor)	\$ 75.00
	Outside city (plus labor)	\$125.00
	Over 40,000 gallons (plus labor)	Cost

Section 7: That Section 29-57 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 29-57. Reserved.

Section 8: That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 9: That this Ordinance shall become effective immediately upon adoption.

(Signed) Thomas M. Phillips

#### 00-227 ORDINANCE AMENDING CHAPTER 29.5

##### AN ORDINANCE AMENDING CHAPTER 29.5 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO EMERGENCY WATER CONSERVATION AND RESTRICTION PLAN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1: That subsection (d)(1) of Section 29.5-5 of the Greensboro Code of Ordinances is hereby amended to read as follows:

(d) The following shall apply at all times to the outdoor sprinkling of lawns, shrubbery, trees, flowers, gardens, and other outside irrigation systems.

(1) By June 1, 2000, all sprinkler systems equipped with a timer, shall be equipped with rain sensors as approved by the city water resources department. Rain sensors shall be activated to prevent the system from operating after 1/4" of rain has fallen.

Section 2: That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3: That this Ordinance shall become effective immediately upon adoption.

(Signed) Thomas M. Phillips

#### 00-228 ORDINANCE AMENDING CHAPTER 30

##### AN ORDINANCE AMENDING CHAPTER 30 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO SOIL EROSION AND SEDIMENTATION CONTROL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1: That the following subsections of Section 30-7-4.3 of the Greensboro Code of Ordinances are hereby amended to read as follows:

(A)*Buffer Zone*: No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible sedimentation within the twenty-five (25) percent of the buffer zone nearest the land-disturbing activity. Unless otherwise provided the width of a buffer zone is measured from the edge of the water to the nearest edge of the disturbed area, with the twenty-five (25) percent of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible sedimentation.

(B)*Graded Slopes and Fills*: The angle for graded slopes and fills shall be no steeper than two (2) to one (1) slope if they are to be stabilized with vegetative cover. Slopes or fills steeper than two (2) to one (1) slope must be protected by structures. In any event, slopes left exposed shall, within fifteen (15) days of completion of any phase of grading, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.

(C)*Ground Cover*: Whenever land-disturbing activity is undertaken on a tract comprising more than one (1) acre, if more than one (1) acre is uncovered, the person conducting the land-disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract; and he shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in Section 30-7-4.4(B)(5) of this Ordinance, provisions for a ground cover sufficient to restrain erosion must be accomplished within fifteen (15) working days or thirty (30) calendar days following completion, whichever period is shorter.

Section 2: That subsection (B)(5) of Section 30-7-4.4 of the Greensboro Code of Ordinances is hereby amended to read as follows:

(5)Ground cover sufficient to restrain erosion must be provided for any portion of a land-disturbing activity in a HQW zone within fifteen (15) working days or thirty (30) calendar days following completion of construction or development, whichever period is shorter.

Section 3: That the following subsections of Section 30-7-4.14 of the Greensboro Code of Ordinances are hereby amended to read as follows:

(B)*Preparation of Plan*: The soil erosion and sedimentation control plan shall be filed with the City. The plan shall be prepared by, and shall bear the seal and signature of, a registered professional engineer, architect, landscape architect, or a registered surveyor to the extent permitted by North Carolina laws, at a scale not smaller than one (1) inch equals two hundred (200) feet.

(C)*Submission of Plan*: Persons conducting land-disturbing activity on a tract which covers one (1) or more acres shall file three (3) copies of the soil erosion and sedimentation control plan with the City, at least thirty (30) days prior to beginning of such activity, and shall keep another copy of the plan on file at the job site. After approving the plan, if the City, either upon review of such plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the City will require a revised plan. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the appropriate authority.

(E) State Division of Water Quality Review: Any Land disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table must be forwarded to the State Division of Water Quality.

(F) Conservation District Review: The Guilford Soil and Water Conservation District, within twenty (20) days of receipt of any plan, may review such plan and submit its comments and recommendations to the City. Failure of the Soil and Water Conservation District to submit its comments and recommendations within these twenty (20) days will not delay final action on the plan.

(G) City Review: The City will review each complete plan submitted to them and within thirty (30) days of receipt thereof, will notify the person submitting the plan that it has been approved, approved with modifications, approved with performance reservations, or disapproved. Failure to approve or disapprove a complete soil erosion and sedimentation control plan within thirty (30) days of receipt shall be deemed approval. Denial of a plan must specifically state in writing the reasons for denial. The City must approve or deny a revised plan within fifteen (15) days of receipt or it is deemed to be approved. If, following commencement of a land-disturbing activity pursuant to an approved plan, the City determines that the plan is inadequate to meet the requirements of this Ordinance, the City may require such revisions as are necessary to comply with this Ordinance.

(1) The approval of a grading permit and the erosion control plan is conditioned on the applicant's compliance with Federal and State water quality laws, regulations and rules. It is the applicant's responsibility to obtain compliance with all Federal and State water quality laws, regulations, and rules. If a grading permit is issued but at a later date the City's enforcement officer finds that the applicant has not complied with all Federal and State water quality laws, regulations, and rules, the City may revoke the applicant's permit and or take enforcement action.

(H) Plan Requirements: The plan required by this Section shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the

tract and the measures proposed to ensure compliance with the requirements of this Ordinance. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation can be found in Appendix 2 (Map Standards) of this Ordinance.

The plan submission shall also include a copy of any required Federal or State permits issued for the site.

(I) Grounds for Plan Disapproval: A soil erosion and sedimentation control plan may be disapproved upon a finding that an applicant, or any parent or subsidiary corporation if the applicant is a corporation:

(1) Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or the City, and has not complied with the notice within the time specified in the notice;

2) Has failed to pay a civil penalty assessed pursuant to the Act or this Ordinance which is due and for which no appeal is pending;

(3) Has been convicted of a misdemeanor pursuant to NCGS 113A-64(b) or any criminal provision of this Ordinance.

(4) Has failed to substantially comply with State rules adopted pursuant to the Act or regulations of this Ordinance.

(5) The applicant has failed to comply with Federal and State water quality laws, regulations, and rules.

For purposes of this subsection an applicant's record may be considered for only the two years prior to the application date.

(J) Application Amendments: Applications for amendment of a soil erosion and sedimentation control plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as said amendment is approved by the City, the land-disturbing activity shall not proceed except in accordance with the plan as originally approved.

(K) Work Conducted from Approved Plan: Any person engaged in land-disturbing activity who fails to file a plan in accordance with this Ordinance, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan, shall be deemed in violation of this Ordinance.

(L) Plan Approval Required for Permit: No building permits shall be issued unless and until a soil erosion and sedimentation control plan has been submitted to the City, a grading permit has been issued, and a Certificate of Erosion Control Performance has been issued to indicate that initial soil erosion and sedimentation control devices have been installed and are functioning properly.

(M) Work Completed Before Final Subdivision Approval: No final subdivision plat approval nor any Certificate of Compliance shall be issued unless and until work at the site has been completed in accordance with a valid grading permit, or an improvement security or bond has been approved and accepted as required by this Ordinance.

(N) Surety: The applicant for a grading permit to grade more than one (1) acre may be required to file with the City an improvement security, bond, or other instrument satisfactory to the City to cover all costs of protection of the site according to requirements of this Ordinance. Such surety shall remain in force until the work is completed in accordance with the grading permit and said work is approved by the City. Upon violation of this Ordinance, applicable surety shall be used to establish protective cover on the site, to control the velocity of runoff, and/or prevent off-site sedimentation. Any monies in excess of the cost of providing protective measures shall be refunded to the appropriate person.

Section 4: That Section 30-8-4.5 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Whenever there is a land disturbing activity and/or a building, structure, sign, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Enforcement Officer may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped the specific reasons for the stoppage, and the

conditions under which the work may be resumed. Such action shall be in accordance with NCGS 160A-421 or the NC Building Code.

Section 5: That Section 30-8-4.7 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Any violation of this Ordinance shall be a misdemeanor or infraction as provided by NCGS 14-4, subject to a maximum fine of five thousand dollars (\$5000.00).

Section 6: That Section 30-8-6.1 of the Greensboro Code of Ordinances is hereby amended to read as follows:

#### 30-8-6.1.General

Any person who violates any provision of Section 30-7-4 (Soil Erosion and Sedimentation Control), the Act, or rule or order adopted or issued pursuant to this Ordinance, or who initiates or continues a land-disturbing activity (for which a soil erosion and sedimentation control plan is required) not in accordance with the terms, conditions, and provisions of an approved soil erosion and sedimentation control plan, shall be subject to a civil penalty. No civil penalty shall accrue in excess of five thousand (\$5000.00) per day, except the addition of a one-time fine of \$5000.00 for the day the violation is first detected as provided in Section 30-8-6.5.

Section 7: That Section 30-8-6.2 of the Greensboro Code of Ordinances is hereby amended to read as follows:

#### 30-8-6.2.Notice of violation.

No penalty shall be assessed until the person alleged to be in violation has been notified of the violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice. The notice shall describe the violation with reasonable particularity, set forth the measures necessary to achieve compliance with the plan, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in the assessment of a civil penalty or other enforcement action. If, after the allotted time period has expired, the violator has not completed corrective action, a civil penalty may be assessed from the date violation was detected. However, no time period for compliance need be given for grading without a permit or for obstructing, hampering or interfering with an authorized representative while in the process of carrying out his official duties. Each day of continuing violation shall constitute a separate violation.

Section 8: That the following subsections of Section 30-8-6.4 of the Greensboro Code of Ordinances are hereby amended to read as follows:

#### 30-8-6.4.Specific civil penalties.

Civil penalties for specific violations of Section 30-7-4 (Soil Erosion and Sedimentation Control) shall be assessed as follows:

(A)*Grading Without Permit*: \$500 per day for failure to secure a valid grading permit prior to conducting a land-disturbing activity for which a soil erosion and sedimentation control plan is required.

(B)*Failure To Protect*: \$500 - \$1000 per day for failure to take all reasonable measures to protect public property or private property, including lakes and/or natural watercourses, from damage caused by land-disturbing activities.

(C)*Failure To Follow Plan*: \$300 - \$500 per day for failure to conduct a land-disturbing activity in accordance with the provisions of an approved soil erosion and sedimentation control plan.

(D)*Failure To Install Devices*: \$500 - \$1000 per day for failure, when more than one (1) acre is disturbed (\$250 per day when one acre or less than one (1) acre is disturbed), to install erosion and sedimentation control devices sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract(s) and prevent off-site sedimentation.

(E)*Failure To Maintain Measures*: \$300 - \$500 per day for failure to maintain satisfactory erosion and sedimentation control measures, structures and/or devices on the site that are designed to provide protection from the calculated maximum peak rate of runoff from the ten-year storm.

(F)*Failure To Maintain Temporary Measures*: \$250 – \$500 per day for failure to maintain temporary erosion and sedimentation control measures and facilities during the development of the site.

(G)*Failure To Maintain Slopes*: \$250 – \$500 per day for failure on graded slopes and fills to maintain an angle sufficient to retain vegetative cover or other adequate erosion and sedimentation control devices or structures.

(H)*Failure To Cover Slopes*: \$250 - \$500 per day for failure, within fifteen (15) days of completion of any phase of grading, to plant or otherwise provide exposed, graded slopes or fills with ground cover, devices, or structures sufficient to restrain erosion.

(I)*Failure To Plant Cover*: \$250 - \$500 per day for failure on a tract when more than one (1) acre is disturbed, to plant or otherwise provide ground cover sufficient to restrain erosion within fifteen (15) working days or thirty (30) calendar days, whichever is the shorter, following completion of construction or development.

(J)*Failure To Revise Plan*: \$250 per day for failure to file an acceptable, revised soil erosion and sedimentation control plan after being notified of the need to do so.

(K)*Failure To Maintain Buffer*: \$500 - \$1000 per day for failure to retain a buffer zone of sufficient width along a lake or natural watercourse to confine visible sediment within the twenty-five (25) percent of the buffer zone nearest the land-disturbing activity.

Section 9: That Section 30-8-6.5 of the Greensboro Code of Ordinances is hereby amended to read as follows:

30-8-6.5.One Time Civil Penalty

Any person who violates any provision of Section 30-7-4 (Soil Erosion and Sedimentation Control), the Act, or rule or order adopted or issued pursuant to this Ordinance, or who initiates or continues a land-disturbing activity (for which a soil erosion and sedimentation control plan is required) not in accordance with the terms, conditions, and provisions of an approved soil erosion and sedimentation control plan, may be subject to one-time non-continuing civil penalty of up to five thousand (\$5000) for the day the violation is first detected. Any person may be subject to additional civil penalties for violation of any other provision of this Ordinance or rules or orders adopted or issued pursuant to this Ordinance.

Section 10: That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 11: That this Ordinance shall become effective immediately upon adoption.

(Signed) Thomas M. Phillips

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223-00 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-05 WITH YATES CONSTRUCTION COMPANY FOR THE INTERSECTION IMPROVEMENTS AT HILLTOP ROAD AND BRIDFORD PARKWAY, STANLEY ROAD AT EAGLE DRIVE AND HILLTOP ROAD AT STANLEY ROAD PROJECT

WHEREAS, Contract No. 2000-05 with Yates Construction Company provides for intersection improvements at Hilltop Road and Bridford Parkway, Stanley Road at Eagle Drive and Hilltop Road at Stanley Road project improvements;

WHEREAS, GDOT requested additional widening of the northeast corner of Hilltop Road at Stanley Road to provide better alignment of traffic lanes and longer tapers at several locations to meet new safety requirements, thereby necessitating a change order in the contract in the amount of \$51,266.72.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:



That a change order in the above-mentioned contract with Yates Construction Company for the intersection improvements at Hilltop Road and Bridford Parkway, Stanley Road at Eagle Drive and Hilltop Road at Stanley Road is hereby authorized at a total cost of \$51,266.72, payment of said additional amount to be made from Account No. 431-6002-49.6014 CBR 003.

(Signed) Thomas M. Phillips

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224-00 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2000-19 WITH ENVIRONMENTAL PIPELINE INSPECTIONS, INC. FOR SANITARY SEWER REHABILITATION PROJECT "F" PROJECT

WHEREAS, after due notice, bids have been received for the sanitary sewer rehabilitation project "F" project;

WHEREAS, Environmental Pipeline Inspections, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$381,975.00 as general contractor for Contract No. 2000-19, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Environmental Pipeline Inspections, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 503-7062-01.6017 003.

(Signed) Thomas M. Phillips

(A tabulation of bids for the sanitary sewer rehabilitation project "F" project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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225-00 RESOLUTION APPROVING AND AUTHORIZING ADJUSTMENT TO WATER AND SEWER BILL TO GUILFORD MILLS FOR SERVICE TO 4925 WEST MARKET STREET

WHEREAS, under the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro the Water Resources Customer Service Department is occasionally required to make adjustments to customer service bills;

WHEREAS, Guilford Mills is the owner of property located at 4925 West Market Street;

WHEREAS, at the end of September Guilford Mills shut down its facility on West Market Street and the meter was out of service awaiting parts at that time so the bill was automatically estimated based on historic usage;

WHEREAS, the existing 6-inch meter was replaced with a smaller 2-inch meter to generate accurate readings for the facility and after discussions with the customer the city has calculated an adjustment of \$29,608.04 in accordance with the above mentioned Rules;

WHEREAS, it has been determined that \$10,051.69 represents the water rebate and \$19,556.35 represents the sewer rebate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the reduction of this water bill is hereby approved and the Water Resources Customer Service Department is hereby authorized to reduce the bill to Guilford Mills for service to 4925 West Market Street by \$29,608.04.

(Signed) Thomas M. Phillips

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226-00 RESOLUTION APPROVING UPDATE IN RULES AND REGULATIONS FOR THE OPERATION OF THE WATER AND WASTEWATER SYSTEM OF THE CITY OF GREENSBORO WITH AMENDMENTS THROUGH DECEMBER 5, 2000

WHEREAS, Section 29-6 of the Greensboro Code of Ordinances references the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro for requirements and guidance.

WHEREAS, the City Council has approved and adopted the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro with amendments through July 1, 1997.

WHEREAS, the changes proposed in the attached copy of the Rules and Regulations with amendments through December 5, 2000, were made to clarify certain words and help establish a more precise and accurate understanding of the requirements or definitions contained therein.

WHEREAS, it is deemed in the best interest of the City to adopt the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro with amendments through December 5, 2000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro with amendments through December 5, 2000, as authorized by Section 29-6 of the Greensboro Code of Ordinances, and which is presented herewith this day, is hereby in all respects approved, and the City Manager is directed to place an official copy thereof in the office of the City Clerk.

(Signed) Thomas M. Phillips

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Motion to approve minutes of regular meeting of 21 November 2000 was unanimously adopted.

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Mayor Holliday introduced an ordinance amending in the amount of \$5,750 the State and Federal Grants Fund Budget to increase funds for engineering services for the Willow Oaks Hope VI Project which had been removed from the Consent Agenda by Councilmember Johnson.

Todd Warren, residing at 129 Post Street, advised he was not aware of the current status of this project and urged the Council to conduct a public forum to provide updated information to citizens.

After the Deputy City Manager and Mr. Scott detailed a number of City efforts taken to ensure that current information was available to area residents and interested citizens, Councilmember Johnson advised that she would present Mr. Warren's request to the Steering Committee for consideration.

Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Carmany, Holliday, Johnson, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

00-229 ORDINANCE AMENDING THE STATE AND FEDERAL GRANTS FUND BUDGET TO INCREASE FUNDS FOR ENGINEERING SERVICES FOR THE WILLOW OAKS HOPE VI PROJECT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State and Federal Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State and Federal Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-2250-01.5413	Consultant Services	\$5,750
Total		\$5,750

And, that this increase be financed by increasing the following State and Federal Grant Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-2250-01.9437	Housing Bond Fund	\$2,875
220-2250-01.7170	Local Grants-Government	<u>\$2,875</u>
Total		\$5,750

(Signed) Yvonne J. Johnson

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Mayor Holliday introduced an ordinance amending Chapter 16 of the Greensboro Code of Ordinances with respect to Motor Vehicles and Traffic which had been removed from the Consent Agenda by Councilmember Carmany.

After Councilmember Carmany expressed concern with what she considered a significant change to the portion of the proposed ordinance that would permit the riding of bicycles on sidewalks in areas outside the Central Business District, Jim Westmoreland, Director of the Department of Transportation, detailed the rationale for changing the ordinance. He explained that after comparing Greensboro's existing ordinance with other North Carolina cities, staff believed this ordinance was too restrictive and felt the shared sidewalk use concept appeared to be more appropriate at this time. After Council briefly discussed personal opinions with regard to certain areas of the City in which problems might develop between pedestrian and bicycle traffic, it appeared to be their consensus that Council could consider additional amendments to address any future problems that were identified.

Councilmember Jones entered the Chamber at 6:16 p.m. during the above discussion.

Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

#### 00-230 AMENDING CHAPTER 16

#### AN ORDINANCE AMENDING CHAPTER 16 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO MOTOR VEHICLES AND TRAFFIC

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 16-8 of the Greensboro Code of Ordinances is hereby amended by rewriting subsection (b) to read as follows:

The restrictions set forth in this section shall apply to the plan view of the triangular area bounded by the curb (or edges of pavement where there is no curb) upon the street and a diagonal line joining points to the curb (or edge of pavement where there is no curb); the triangular area shall be defined by projecting the curb or edge of pavement for the abutting streets to an imaginary point of intersection. The base lines for the triangle shall be defined by measuring a minimum distance (as indicated in Table 1 below) along the major (nonstop) street and twenty (20) feet along the minor (stop) street from this point of intersection.

Table 1

Speed Limit of Major Street (in miles per hour)	Distance along Major Street (in feet)
25	150
30	200
35	250
40	300
45	350
50	400
55	500

It shall be noted that the above Table 1 is indicating minimum sight clearance distances. Because of the unusual characteristics in the horizontal and vertical alignments of the roads of Greensboro (with curves and small hills), the distances along the major (nonstop) street will be determined according to the city transportation director or his designee on a case by case situation.

Section 2. That Section 16-8 of the Greensboro Code of Ordinances is hereby amended by rewriting subsection (d) to read as follows:

- (1) Permanent structures (i.e. buildings, bridge railings, retaining walls).
- (2) Existing natural grades of existing streets which, by reason of natural topography, rise thirty (30)-or more inches above the average grade of the adjacent streets.
- (3) Fire hydrants, public utility poles, street markers, governmental signs, and traffic-control devices.

Section 3. That Section 16-8 of the Greensboro Code of Ordinances is hereby amended by rewriting subsection (e) to read as follows:

Where compliance with this section in the foregoing described triangles is insufficient to prevent a potentially dangerous condition, the city transportation director may designate further measures which must be taken by the owner or other responsible person to eliminate such potentially dangerous conditions. Such measures shall be designated to provide an adequate sight and stopping distance for persons approaching the intersection at the prevailing speeds and may include the removal of obstructions at different heights or in areas outside the triangle established in subsection (b) above.

Section 4. That Section 16-8 of the Greensboro Code of Ordinances is hereby amended by rewriting subsection (g) to read as follows:

The administration of this section shall be under the direction of the city transportation director or his designee who shall investigate violations, issue such notices and orders as are required herein, and perform such other duties as may be necessary to the enforcement hereof.

Section 5. That Section 16-8 of the Greensboro Code of Ordinances is hereby amended by rewriting subsection (h) to read as follows:

Any obstruction to cross-visibility maintained in violation of this section shall be deemed to be a public nuisance inconsistent with and potentially detrimental to public safety and shall be abated in accordance with the following procedure:

- (1) Upon the initial inspection of the intersection, the city transportation director or his designee shall leave a sight obstruction notice, identifying the obstruction item(s) to be trimmed or removed within the maximum time requirement of ten (10) days, at the premises upon which such obstruction exists.
- (2) Following the ten (10) days, if the sight obstruction has not been removed, the city transportation director or his designee shall cause to be served by certified mail a written notice and order of abatement upon the owner, tenant and/or person having legal control of the premises upon which such obstruction exists.
- (3) Such obstruction shall be removed within ten (10) days from the date of receipt, or ten (10) days from the date of the returned certified mail stub or the date stamped on the returned original certified mail of such notice and order.
- (4) If compliance with such order by any person is disregarded, the city transportation director or his designee is hereby authorized to enter upon the premises in question and cause the removal and abatement of such obstruction by city services and/or independent contractor.
- (5) Any person receiving such notice and order may, within ten (10) days from the receipt thereof, request, in writing, a hearing before the city transportation director or his designee. The hearing shall be held not later than ten (10) days following the date of the request. The city manager or the city transportation director shall then fix the date of the hearing and notify the person upon whom the notice and order has been served of the time and place of such meeting. If, after such hearing, the city manager or his designee finds the obstruction in question does in fact, constitute a public nuisance, the city transportation director or his designee may order that such nuisance be abated within ten (10) days from the date of such order. Upon failure by any person to comply with such order of the city manager or his designee, the city transportation director or his designee is hereby authorized to enter upon the premises in question and cause the removal and abatement of such obstruction by city forces and/or independent contractor.
- (6) If any person receiving a written notice and order from the city transportation director does not comply with the order or does not respond or acknowledge certified mail attempt and does not request, in writing, a hearing before the city manager or his designee within said ten (10) days, the city transportation director or his designee is hereby authorized to enter upon the premises in question and cause the removal and abatement of such obstruction by city forces and/or an independent contractor.
- (7) Upon the completion of such removal and abatement, the city transportation director or his designee shall deliver to the city tax collector a statement showing the actual cost of the abatement of the unlawful condition plus an additional fee of twenty-five dollars (\$25.00) to cover the cost of notice and the cost of collection. The city tax collector shall there-upon mail to the owner of the subject property a bill covering the cost, if with reasonable diligence the name and address of such owner can be ascertained, and the amount of the bill shall become a lien upon said subject property, and if not paid within (30) days shall be collected as in the manner provided for collection of delinquent taxes.

Section 6. That Section 16-8 of the Greensboro Code of Ordinances is hereby amended by rewriting subsection (k) to read as follows:

The foregoing procedure does not apply in emergency cases where it reasonably appears there is immediate danger to the life or safety of any person or to the safety of other property. In emergency cases, the City transportation director or his/her designee shall have the authority to immediately remove such obstruction and the cost of such removal shall be assessed against the property owner. Prior to taking the action, the City transportation director or his designee shall place a notice of the condition which constitutes a dangerous obstruction on the property giving the property owner two (2) days to remove the obstruction prior to the City's taking action.

Section 7. That Section 16-132 of the Greensboro Code of Ordinances is hereby amended by rewriting to read as follows:

In order to enhance safety and mobility along city streets, it is necessary to vary parking restrictions along certain streets as determined by the city manager or his/her designee. The city Department of Transportation shall maintain the official traffic record which consists of either map sheets showing parking restrictions, or a written description of the parking restriction. The city Department of Transportation shall erect and maintain all required traffic control devices and signs. A copy of the official traffic records shall be maintained by the city Transportation Department for the office of the city clerk, and, when so maintained and when traffic control devices and signs are properly placed, as notice, it shall be a civil violation for any person to park contrary to or in violation of any of the provisions of the schedule.

Section 8. That Section 16-227 of the Greensboro Code of Ordinances is hereby amended by rewriting to read as follows:

It shall be unlawful to drive or ride a bicycle within a sidewalk area in the Central Business District unless it is at a permanent or temporary driveway. All other sidewalks shall be for the joint use of pedestrians and non-motorized bicycles requiring manual power. Bicyclists shall yield the right of way on sidewalks to pedestrians.

Section 9. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 10. That this Ordinance shall become effective immediately upon adoption.

(Signed) Yvonne J. Johnson

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Moving to items on the agenda related to the Kress Building, Mr. Westmoreland presented a slide presentation to illustrate the requested pedestrian overpass to provide access for the employees and visitors to that building. He provided additional information with respect to the request and to the status of the building's renovation and proposed use. Mr. Westmoreland stated the requests were for Council to approve the installment purchase agreement and grant a permanent easement for the overpass. He added that the property owners had also requested the Council to consider participating in construction costs of the ramp in the amount of \$10,000.

Bruce Cantrell, residing at 212 South Mendenhall Street, advised the overpass had enabled his company to market the building and would provide a second entrance into the Kress Building. Adding that the cost of the construction had exceeded the anticipated amount, he requested the City to consider participating in the cost.

After brief discussion, it appeared to be the consensus of Council that the funding request should be considered with all requests for expenditures from the Downtown funds.

\* \* \* \* \*

The Mayor introduced the following resolution, a copy of which had been provided to each Councilmember, which was read by title and summarized by the City Attorney:

RESOLUTION APPROVING THE EXECUTION OF A FIRST AMENDATORY  
INSTALLMENT PURCHASE AGREEMENT AMENDING THE  
INSTALLMENT PURCHASE AGREEMENT, DATED AS OF DECEMBER 1,  
1991, BETWEEN THE CITY OF GREENSBORO, NORTH CAROLINA AND  
GREENSBORO CENTER CITY CORPORATION

WHEREAS, the City of Greensboro, North Carolina (the "City") and Greensboro Center City Corporation (the "Corporation"), a nonprofit corporation organized and existing under the laws of the State of North Carolina, entered into an Installment Purchase Agreement, dated as of December 1, 1991 (the "Installment Purchase Agreement"), to finance the acquisition of certain off-street parking facilities (the "Acquired Property") and, pursuant to a Trust Agreement, dated as of December 1, 1991 (the "Trust Agreement"), by and between the Corporation and The Bank of New York (successor to Wachovia Bank of North Carolina, N.A.), as Trustee, arranged for the execution and delivery of \$21,615,000 aggregate principal amount of Certificates of Participation (1991 Parking Facilities Project) (the

“Certificates”), each evidencing proportionate and undivided ownership interests in Installment Payments to be made by the City pursuant to the Installment Purchase Agreement, and pursuant to the authority granted to the City in Section 160A-20 of the General Statutes of North Carolina; and

WHEREAS, the City desires to grant an access easement to the portion of the Acquired Property constituting the site of the off-street parking facility known as the Greene Street Parking Garage; and

WHEREAS, said easement is not a Permitted Encumbrance (as defined in the Installment Purchase Agreement); and

WHEREAS, Section 8.01(b) of the Trust Agreement permits the Installment Purchase Agreement to be amended without the consent of the Owners (as defined in the Trust Agreement) of the Certificates so long as such amendment shall not adversely affect the interests of the Owners; and

WHEREAS, the proposed access easement would result in the loss of only one parking space, and the City has determined that the granting of such access easement will not adversely affect the interests of the Owners in the Mortgaged Property (as defined in the Installment Purchase Agreement) and that such proposed amendment will, therefore, not adversely affect the interests of the Owners; and

WHEREAS, the City Council desires to authorize the execution of an amendment to the Installment Purchase Agreement in order to permit the granting of such access easement; and

WHEREAS, there has been presented at this meeting a copy of a First Amendatory Installment Purchase Agreement, to be dated as of December 1, 2000 (the “First Amendatory Installment Purchase Agreement”), by and between the Corporation and the City; now, therefore,

BE IT RESOLVED by the City Council of the City of Greensboro:

Section 1. The form, terms and provisions of the First Amendatory Installment Purchase Agreement are hereby approved in all respects, and the Mayor, the City Manager or the Finance Director and the City Clerk are hereby authorized and directed to execute and deliver the First Amendatory Installment Purchase Agreement, in substantially the form presented to this meeting, together with such changes, modifications and deletions as they, with the advice of counsel, may deem necessary and appropriate; such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the City.

Section 2. This resolution shall take effect immediately upon its passage.

Thereupon the Chief Deputy City Attorney stated that he had approved as to form the foregoing resolution.

Upon motion of Councilmember Johnson, seconded by Councilmember Phillips, the foregoing resolution was passed on roll call vote as follows:

Ayes: Councilmembers Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan.  
Noes: None.

The Mayor then announced that the resolution entitled “RESOLUTION APPROVING THE EXECUTION OF A FIRST AMENDATORY INSTALLMENT PURCHASE AGREEMENT AMENDING THE INSTALLMENT PURCHASE AGREEMENT, DATED AS OF DECEMBER 1, 1991, BETWEEN THE CITY OF GREENSBORO, NORTH CAROLINA AND GREENSBORO CENTER CITY CORPORATION” had been adopted by a vote of 8 to 0.

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After the Mayor introduced a Resolution authorizing contract with Kress Building, LLC for construction and maintenance of ramp for pedestrian access to parking Garage No. 2 (Greene Street parking Garage), Councilmember Phillips moved its adoption. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

227-00 RESOLUTION AUTHORIZING CONTRACT WITH KRESS BUILDING, LLC FOR CONSTRUCTION AND MAINTENANCE OF RAMP FOR PEDESTRIAN ACCESS TO PARKING GARAGE NO. 2 (GREENE STREET PARKING GARAGE)

WHEREAS, Kress Building, LLC is the owner of certain property located at 212 South Elm Street and which rear portion of the building is adjacent to Parking Garage No. 2 (GREENE STREET PARKING GARAGE);

WHEREAS, Kress Building, LLC desires to obtain the permission of the City to construct a ramp for pedestrian access between the parking garage and the above-mentioned building in order to facilitate the rehabilitation of its property;

WHEREAS, the construction of the pedestrian access would result in the loss of a single parking space with the anticipated minimum revenue of \$6,000.00 for a ten-year period;

WHEREAS, in order to encourage redevelopment of the Central Business District in downtown Greensboro, it is deemed in the best interest of the City to grant permission to the owner to construct and maintain said pedestrian ramp and for that purpose, to grant an easement therefore; and waive the minimum of \$6,000.00 in lost revenue for a ten-year period;

WHEREAS, in addition, the owner has agreed to indemnify and save the City harmless, as well as provide public liability insurance coverage with respect to the construction, maintenance, or use of said ramp;

WHEREAS, the granting of this easement and approval of the contract to construct and maintain the pedestrian bridge is subject to the approval and execution of the First Amendatory Installment Purchase Agreement by the Greensboro Center City Corporation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, that:

Upon the execution of the First Amendatory Installment Purchase Agreement, the above-mentioned agreement for Kress Building, LLC to construct and maintain a ramp for pedestrian access to Parking Garage No. 2 (Greene Street Parking Garage) is hereby approved, and the Mayor and City Clerk are hereby authorized to execute the necessary contractual agreement to carry the proposal into effect.

(Signed) Thomas M. Phillips

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Tony Powell, residing at 8-B Summertree Loop, speaking as a disabled citizen, expressed concern with respect to the poor quality of Specialized Community Area Transportation (SCAT) services and detailed a number of his negative experiences with the services.

Marion Suggs, residing at 1506 Pear Tree Lane, stated that she provided support services for Mr. Powell and expressed concern with respect to the poor level of service and improper treatment she believed he had received from SCAT.

Mr. Westmoreland explained the specialized service offered by the SCAT system, detailed City and County responsibilities, and spoke to the funding and logistics issues related to operation of SCAT. Mr. Westmoreland spoke to unsuccessful efforts to address difficulties that existed because the Guilford County personnel assigned to call taking and scheduling were not housed with City employees responsible for dispatching the SCAT vehicles.

After Council discussed various opinions and concerns with respect to complaints with respect to the SCAT system and encouraged communication with the County to attempt to address existing problems, Mayor Holliday stated he would contact Commissioner Bob Landreth to discuss these concerns. Mr. Westmoreland advised he would meet with Mr. Powell to obtain additional information, would investigate this particular situation and would report his findings to Council.



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Michael King, representing Project Homestead, reviewed in detail the process used by the Community Resource Board to provide funds for non-profit housing development and spoke to the reduction of available funds to accommodate all non-profit funding requests this year. He spoke to the City's requirement for certain street and sidewalk improvements in this particular project, advised of Project Homestead's \$500,000 shortfall in funds needed to complete their Turning Point subdivision project, and requested that Council consider using Powell Bill funds to provide additional financial assistance for this project.

Andy Scott, Director of Housing and Community Development, explained that the Turning Point Subdivision project was very complicated due in part because of the status change from for-profit to non-profit and the different processes required for development. He thereupon provided detailed information about the history and current status of the project, including City of Greensboro commitments; i.e., Housing and Community Development funds, transportation, and mortgages. Mr. Scott explained that the reduction in City housing funds available for non-profit agencies to construct low-income housing had been anticipated. He offered suggestions for other sources of City funds that might be used for the Turning Point project.

Mr. Westmoreland provided information regarding Powell Bill expenditure guidance and planned projects, including details with respect to past expenditures, existing projects and future projects.

Council discussed at length various opinions with respect to this non-profit housing project; i.e., whether the use of Powell Bill funds for this project would be appropriate and in keeping with City policy, details regarding housing program income from the sale of City-owned lots, and past budgetary actions by Council that had impacted the amount of funds available for non-profit housing efforts. Discussing potential funding sources for the current funding shortfall incurred by Project Homestead in the Turning Point subdivision project, Council and staff identified approximately \$323,000 in various housing and sidewalk funds that might be used for this development. It appeared to be the consensus of Council that staff prepare appropriate budget items for consideration on 19 December 2000.

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Bill Burckley, residing at 701 Morehead Avenue, offered his personal thoughts with regard to the Council's role in management and expenditure of Powell Bill funds.

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Lengthy discussion was held with regard to the Greensboro Housing Development Partnership's role in marketing property conveyed by the City to the Partnership to be developed for housing. Council expressed the desire that the Partnership should maximize its revenues from the sale of developed housing lots and should include the appraisal of the property and consideration of the appraised value in awarding the contract for the project to a qualified, responsible bidder.

Chief Deputy City Attorney Wood advised that while the Partnership was an independent body and made its own decisions, the Council could place conditions on future properties conveyed to the Partnership.

After additional discussion, Councilmember D. Vaughan moved adoption of a resolution of recommendation to the Board of Directors of the Greensboro Housing Development Partnership concerning the awarding of project and sale of real property. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Carmany, Holliday, Jones, Perkins, and D. Vaughan. Noes: Johnson, Phillips and N. Vaughan.

**228-00 RESOLUTION OF RECOMMENDATION TO THE BOARD OF DIRECTORS OF THE GREENSBORO HOUSING DEVELOPMENT PARTNERSHIP CONCERNING THE AWARDING OF PROJECTS AND SALE OF REAL PROPERTY**

WHEREAS, from time to time the City of Greensboro conveys real property to the Greensboro Housing Development Partnership (hereinafter called the "Partnership") to be developed for housing in the City;

WHEREAS, the Partnership develops plans for housing and receives proposals from potential developers;

WHEREAS, the Greensboro City council desires that the Partnership, in the awarding contracts for the various housing developments, should maximize its revenues from the sale of the developed housing lots and wishes to officially express that desire to the Partnership.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. It is the desire of the City Council of the City of Greensboro that when parcels of land are conveyed to the Partnership that the Partnership should have the land appraised by a North Carolina licensed real estate appraiser; and
2. The Partnership should consider the appraised value of the land in its awarding of the contract for the Project to a qualified responsible bidder and that the award of the contract should maximize the revenues to the Partnership from the sale of the land.

(Signed) Donald R. Vaughan

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Councilmember Johnson moved that Sarla Sharma be appointed to fill unexpired portion of term of Caroline Bratton, not serving, on the Commission on the Status of Women; this term will expire 15 August 2002. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Councilmember Johnson added the name of Alfreda E. McCauley to the boards and commissions data bank for consideration of service on the Human Relations Commission or the Commission on the Status of Women.

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Councilmember Johnson advised that North Carolina A&T State University had requested a one-time commitment from the City to assist with a jazz festival scheduled for April, 2001.

Chancellor Jim Renick, NC A&T State University, detailed plans for the first annual Piedmont Jazz Festival, spoke to the sizable economic impact this event would have on Greensboro's business community, and requested Council to provide funds that would be used to generate additional financial support from the community.

Councilmember Perkins moved that Council contribute \$20,000 from the Council Contingency Fund for the first annual Piedmont Jazz Festival. The motion was seconded by Councilmember Jones; the motion was adopted on the following roll call vote: Ayes: Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

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Councilmember Johnson and Mayor Holliday spoke to the Greensboro Christmas Parade scheduled for 12 noon on Saturday, December 9; the Mayor encouraged Council to participate.

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Councilmember Jones read a portion of Guilford County Commissioner Skip Alston's statement made at a recent press conference which expressed appreciation to those who supported the Civil Rights Museum bonds in the recent referendum; reported on the Museum's progress, current status and timeframe with regard to completion; and noted an advisory committee would be created to assist with the project.

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Councilmember Carmany advised the members of the War Memorial Commission planned to explore the role of the Commission and the expectations of Council; she stated Council would be contacted in the near future by members of the Commission.

Councilmember Carmany showed a picture of Olesea Cazacu, an 18-year old orphan residing in Greensboro's Sister City of Moldova, that she and her husband sponsored through Carolina Adoption Services in Greensboro; she stated the sponsorship provided food, clothing, shelter, and education. Councilmember Carmany advised that other citizens who were interested in similar sponsorships could contact that agency.

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The Mayor advised Council would receive information and recommendations from the Manager for expenditures from the downtown fund and would anticipate taking action on January 16.

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After discussion with Deputy City Manager Edwards, it appeared to be the consensus of Council that the McKenzie report would be presented in January.

The Mayor reminded Council of the need to submit names for the Advisory Committee on Trees and alternates for the Comprehensive Planning Committee.

Council was reminded of the budget discussion and briefing scheduled to begin at 2:00 p.m. on Tuesday, December 19 prior to the regularly-scheduled Council meeting at 6:00 p.m.

Mayor Holliday spoke to the Festival of Lights' tree-lighting ceremony of the tree planted at the corner of Greene and Washington Streets; he noted this tree would be used for future ceremonies.

The Mayor stated that City Manager Kitchen was progressing well and looked forward to returning to work.

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Deputy City Manager Edwards stated that the Millenium Committee had requested Council to contribute \$2,000 for police support for their December 31 event. After brief discussion regarding the appropriate time to consider this funding request, it appeared to be the consensus of Council that because this particular event was scheduled before the end of the year, Council would consider this request on 19 December 2000.

The Deputy City Manager spoke to information provided by the Planning staff for Council's review, requested Council to return cameras distributed to them at the recent briefing session, and provided follow-up information regarding concerns raised at the 21 November 2000 meeting of Council.

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Councilmember D. Vaughan moved that the City Council adjourn. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 8:27 P.M.

KEITH A. HOLLIDAY  
MAYOR

JUANITA F. COOPER  
CITY CLERK

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